

**City of Somerville
Licensing Commission**

**Senior Center
Tufts Administration Building
167 Holland Street**

**Monday
August 17, 2015
6:00 p.m.**

**(PLEASE NOTE: Meeting (and all below agenda items)
Will Be Continued to Tuesday, August 18, 2015 Meeting)**

Communications

1. Legendary Restaurant Group notifying the Commission of an Adult Networking Event hosted by Federal Realty at Legoland Discovery Center at Assembly Row on August 19, 2015 from 6:00PM-9:00PM (Alcoholic Beverages served from Legendary Restaurant Group, LLC, Caterer)

COMMON VICTUALLER LICENSES

2. Thurston Spa
393 Medford St.
John Francis Ferreer

Special Alcohol License

3. St. Anthony Parish, 12 Properzi Way requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a 100th Anniversary of St. Anthony Parish, to be held indoors at St. Anthony's, on September 6, 2015 from 12:00pm – 4:00pm
4. American Fresh Distribution LLC, 15 Ward St. requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a Summer Food and Beer Garden, to be held at 301 Canal St. at Assembly Row, on August 23,24,25,26,27,28,29,30, 31, 2015 and September 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21, 2015 from 11:00am – 12:00am

5. Hellenic Association of Somerville d/b/a Dormition of Virgin Mary Greek Orthodox Church, 29 Central St. requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a Church Annual Festival to be held at Outdoors at 29 Central St., on September 11, 2015 from 12:00pm –11:00pm, September 12, 2015 from 12:00pm –11:00pm and September 13, 2015 from 12:00pm –9:00pm

WINE AND MALT 7 DAY RESTAURANT LICENSE - ASSEMBLY ROW

NEW City Owed Wine & Malt 7 Day Restaurant License
Common Victualler, Entertainment by Devices

6. Muse Paintbar, LLC d/b/a Muse Paintbar, 461 Artisan Way requesting approval for a Wine & Malt 7 Day Restaurant License, a Common Victualler License and an Entertainment License consisting of Entertainment by Devices

ALL FORMS 7 DAY RESTAURANT LICENSE - ASSEMBLY ROW

NEW City Owed All Forms 7 Day Restaurant License
Common Victualler, Entertainment by Devices

7. BNV Inc. d/b/a Southern Kin Cookhouse and Bar, 500 Assembly Row requesting approval for an All Forms 7 Day Restaurant License, a Common Victualler License and an Entertainment License consisting of Entertainment by Devices

All Forms Alcoholic Beverages
7 Day Restaurant
City Owned

Change of Manager

8. 99 Restaurants of Boston, LLC d/b/a 99 Restaurant & Pub, 20 Cummings St., requesting approval for a change in manager from Joan Baldassari to Jennifer Winters

VIOLATIONS

9. Armur, Inc. d/b/a The Joshua Tree, 256 Elm St. to show cause why the All Forms Alcoholic Beverages 7 Day Restaurant, Common Victualler license and Entertainment license issued to the above-referenced establishment should not be modified, suspended or revoked, or the hours during which sales of alcoholic beverages may be reduced, for alleged violation of Massachusetts General Laws Chapter 138 §§ 12, 23 and 64 and Somerville Licensing Commission Rule 1.09.e and 1.13.a. to wit:

204 CMR 2.05(2) - No licensee for the sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to take place in or on the licensed premises. The licensee shall be responsible therefor, whether present or not.

Somerville Licensing Commission Rule 1.09. e. - When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, which in the judgment of the Commission adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for police attention, or is offensive to public decency, the licensee may be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

Somerville Licensing Commission Rule 1.13.a. – Licensees shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the licenses premises. Such efforts may include, but are not limited to: (5) calling for police assistance as necessary to protect patrons against injury or to evict unruly patrons or to uncover unlawful conduct or to give medical assistance and providing police with requested information;

The date of the alleged offense is 3/6/15.

10. B.E.E.F., Inc. d/b/a Fasika , 145-147 Broadway to show cause why the All Forms Alcoholic Beverages 7 Day Restaurant, 2AM License, Common Victualler license and Entertainment license issued to the above-referenced establishment should not be modified, suspended or revoked, or the hours during which sales of alcoholic beverages may be reduced, for alleged violation of Massachusetts General Laws Chapter 138 §§ 12, 23 and 64 and Somerville Licensing Commission Rule 109.e., 1.13.a and 1.14b to wit:

204 CMR 2.05(2) - No licensee for the sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to take place in or on the licensed premises. The licensee shall be responsible therefor, whether present or not.

Somerville Licensing Commission Rule 1.09. e. - When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, which in the judgment of the Commission adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for police attention, or is offensive to public decency, the licensee may be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

Somerville Licensing Commission Rule 1.13.a. – Licensees shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the licenses premises. Such efforts may include, but are not limited to: (5) calling for police assistance as necessary to protect patrons against injury or to evict unruly patrons or to uncover unlawful conduct or to give medical assistance and providing police with requested information;

Somerville Licensing Commission Rule 1.14.b. – Licensees shall call the police and an ambulance and take all other reasonable steps to assist patrons and persons who are injured in or on the licensed premises or whose injuries have occurred outside the premises but have been brought to the attention of the licensee.

The date of the alleged offense is 3/6/15

11. Mike's Bar Inc. d/b/a Parise's Café, 97 Washington St. to show cause why the All Forms Alcoholic Beverages 7 Day Restaurant, 2AM License, Common Victualler license and Entertainment license issued to the above-referenced establishment should not be modified, suspended or revoked, or the hours during which sales of alcoholic beverages may be reduced, for alleged violation of Massachusetts General Laws Chapter 138 §§ 12, 23 and 64 and Somerville Licensing Commission Rule 109.e., and 1.13.a. to wit:

204 CMR 2.05(2) - No licensee for the sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to take place in or on the licensed premises. The licensee shall be responsible therefor, whether present or not.

Somerville Licensing Commission Rule 1.09. e. - When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, which in the judgment of the Commission adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for police attention, or is offensive to public decency, the licensee may be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

Somerville Licensing Commission Rule 1.13.a. – Licensees shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the licensee's premises. Such efforts may include, but are not limited to: (5) calling for police assistance as necessary to protect patrons against injury or to evict unruly patrons or to uncover unlawful conduct or to give medical assistance and providing police with requested information;

The date of the alleged offense is 3/2/15

12. Triple F Pub, Inc. d/b/a The Pub, 682-686 Broadway to show cause why the All Forms Alcoholic Beverages 7 Day Restaurant, Common Victualler license and Entertainment license issued to the above-referenced establishment should not be modified, suspended or revoked, or the hours during which sales of alcoholic beverages may be reduced, for alleged violation of Massachusetts General Laws Chapter 138 §§ 12, 23 and 64 and Somerville Licensing Commission Rule 1.08.f, 1.08.i, 1.08.l. and 1.09.a. to wit:

Somerville Licensing Commission Rule 1.08 (f) – Licensees are responsible for ensuring that minors are not served alcoholic beverages and are not drinking alcoholic beverages on the licensed premises, whether served to them by an employee or handed to them by another patron. Licensees who do not have the ability to keep track of the drinking activity of minors at the premises may exclude minors from coming onto the premises in order to meet the burden of ensuring that there is no underage drinking at the premises. Licensees who choose to permit minors onto the premises, whether pursuant to an “I.D. bracelet” program or otherwise, are held accountable if minors are found to be drinking alcoholic beverages on the premises, whether or not the Commission’s agents are able to prove that the licensee actually served the drink directly to the minor. Sufficient security personnel should be employed to monitor the premises to ensure that patrons do not pass alcoholic beverages to minors.

Somerville Licensing Commission Rule 1.08 (i) – Whoever makes a sale or delivery of any alcoholic beverages or alcohol to any person under twenty-one years of age, either for his own use or for the use of his parent or any other person, or whoever, being a patron of an establishment licensed under section 12 or 15 of General Laws Chapter 138 delivers or procures to be delivered in any public room or area of such establishment any such beverages or alcohol to or for use of a person who he knows or has reason to believe to be under twenty-one years of age or whoever procures any such beverages or alcohol for a person under twenty-one years of age in any establishment licensed under section 12, or procures any such beverage or alcohol for a person under twenty-one years of age who is not his child, ward or spouse in any establishment that is a package store, shall be subject to disciplinary action by the Licensing Commission.

Somerville Licensing Commission Rule 1.08 (l) – Alcoholic beverages licensees are forbidden to make a sale or delivery of alcoholic beverages or alcohol to a person who is intoxicated.

Somerville Licensing Commission Rule 1.09 (a) – It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each licensee will be held accountable for all violations that are related to the licensed premises to determine whether or not the licensee acted properly in the given circumstances.

The date of the alleged offense is 05/13/15